

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID ANDERSON,

Petitioner,

Case No. 1:08-cv-986

v.

Hon. Janet T. Neff

RICARDO RIOS,

Respondent.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge (Dkt. 16), filed August 27, 2010, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that petitioner's petition shall be transferred to the Sixth Circuit Court of Appeals for the reason(s) stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that a certificate of appealability is denied as to each issue raised by petitioner.

Dated: September 22, 2010

/s/Janet T. Neff  
JANET T. NEFF  
UNITED STATES DISTRICT JUDGE